

EXHIBIT 1

Revised 5/11 935am

Designation List Report



Kowalski, Tim

2023-05-08

[Sonos Affirmatives](#)

00:10:58

TOTAL RUN TIME

00:10:58



Documents linked to video:

T8240

Kowalski_T - Revised 5/11 935am

DESIGNATION	SOURCE	DURATION	ID
10:05 - 10:07	Kowalski, Tim 2023-05-08 10:05 Can you please state your full name for 10:06 the record? 10:07 A. Timothy Michael Kowalski.	00:00:05	Kowalski_T.1
10:11 - 10:12	Kowalski, Tim 2023-05-08 10:11 Q. And who are you employed by? 10:12 A. Google.	00:00:03	Kowalski_T.2
15:07 - 15:11	Kowalski, Tim 2023-05-08 15:07 Q. How long have you worked at Google LLC? 15:08 A. A little over ten years. I think I started 15:09 in September of 2012. 15:10 Q. And what is your current title? 15:11 A. Senior counsel.	00:00:15	Kowalski_T.3
15:15 - 15:21	Kowalski, Tim 2023-05-08 15:15 Q. What are your job responsibilities in your 15:16 current position? 15:17 A. I manage the patent and transactions team. 15:18 Q. What does that entail? 15:19 A. Managing a group of attorneys, the overall 15:20 work stream or focus of the group is to negotiate and 15:21 execute patent licenses on behalf of Google.	00:00:29	Kowalski_T.4
16:17 - 16:22	Kowalski, Tim 2023-05-08 16:17 Q. Just briefly, what formal education do you 16:18 have? 16:19 A. I received a B.S. in mechanical engineering 16:20 from Purdue University and then my law degree from 16:21 what used to be the John Marshall Law School, now is 16:22 the University of Illinois Chicago law school.	00:00:20	Kowalski_T.5
18:14 - 18:15	Kowalski, Tim 2023-05-08 18:14 Q. Do you use any Sonos products? 18:15 A. Yes.	00:00:06	Kowalski_T.6
18:20 - 18:23	Kowalski, Tim 2023-05-08 18:20 Q. In what time frame did you acquire these 18:21 Sonos products for personal use? 18:22 A. Sometime in 2015, 2016 time frame when we 18:23 were building our house.	00:00:14	Kowalski_T.7
19:04 - 19:06	Kowalski, Tim 2023-05-08 19:04 Q. Approximately how many Sonos products do	00:00:12	Kowalski_T.8

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DESIGNATION	SOURCE	DURATION	ID
	19:05 you own?		
	19:06 A. Six or eight maybe, probably eight.		
22:09 - 22:10	Kowalski, Tim 2023-05-08	00:00:00	Kowalski_T.9
	22:09 (Whereupon, Exhibit 1 was marked for		
	22:10 identification.)		
58:19 - 59:22	Kowalski, Tim 2023-05-08	00:01:36	Kowalski_T.10
	58:19 Q. Do you have an understanding of the		
	58:20 distinction between an operating company versus a		
	58:21 nonpracticing entity?		
	58:22 A. Yes, as a general matter I do.		
	58:23 Q. What is that understanding?		
	58:24 A. Well, I understand an operating company is		
	58:25 in the business of selling products and a -- I'm		
	59:01 sorry, what was the other term you used?		
	59:02 Q. My question was what your understanding is		
	59:03 of the distinction between an operating company		
	59:04 versus a nonpracticing entity?		
	59:05 A. Okay. So, yes. A general high-level		
	59:06 understanding of a nonpracticing entity is a company		
	59:07 that is not involved in selling products and therefore		
	59:08 isn't using its patents.		
	59:09 Q. So is it your understanding that an		
	59:10 operating company is in the business of selling		
	59:11 products while a nonpracticing entity is not in the		
	59:12 business of selling products?		
	59:13 A. Generally, yes.		
	59:14 Q. Do you understand Sonos, Inc. to be a		
	59:15 nonpracticing entity?		
	59:16 A. No. My understanding is Sonos sells		
	59:17 products. In fact, we talked about the ones that I		
	59:18 purchased earlier.		
	59:19 Q. Do you understand Sonos to be a competitor		
	59:20 to Google?		
	59:21 A. In what sense?		
	59:22 Q. In any sense.		
59:24 - 60:02	Kowalski, Tim 2023-05-08	00:00:12	Kowalski_T.11
	59:24 THE WITNESS: At one point in time we were		
	59:25 both selling speakers. So we may have been		
	60:01 competitive with respect to speakers at one point in		
	60:02 time.		


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DESIGNATION	SOURCE	DURATION	ID
60:04 - 60:11	Kowalski, Tim 2023-05-08 60:04 Q. And at what point in time was that? 60:05 A. I think around -- we're not really selling 60:06 speakers anymore to my knowledge. I know in 2017 60:07 roughly, I may be off by a year or two, we sold what I 60:08 refer to as a premium speaker. 60:09 Q. Is it your understanding that Sonos and 60:10 Google were competitors in the speaker market at one 60:11 point in time?	00:00:43	Kowalski_T.12
60:13 - 60:16	Kowalski, Tim 2023-05-08 60:13 THE WITNESS: Yes, at least one point I 60:14 would say competitors in the high-end speaker market 60:15 at one point in time, premium speaker market at one 60:16 point in time.	00:00:08	Kowalski_T.13
65:09 - 65:09	Kowalski, Tim 2023-05-08 65:09 Q. Has Google ever tracked Sonos's patents?	00:00:04	Kowalski_T.14
65:16 - 65:17	Kowalski, Tim 2023-05-08 65:16 THE WITNESS: I don't think I have any 65:17 non-privileged information that's responsive.	00:00:05	Kowalski_T.15
66:05 - 66:06	Kowalski, Tim 2023-05-08 66:05 Q. Has Google ever done any searches for 66:06 Sonos patents?	00:00:04	Kowalski_T.16
66:09 - 66:11	Kowalski, Tim 2023-05-08 66:09 THE WITNESS: I don't think I have any 66:10 non-privileged information that's responsive to that 66:11 question.	00:00:05	Kowalski_T.17
66:13 - 66:14	Kowalski, Tim 2023-05-08 66:13 Q. Has Google ever attempted to locate family 66:14 members of Sonos patents?	00:00:04	Kowalski_T.18
66:17 - 66:22	Kowalski, Tim 2023-05-08 66:17 THE WITNESS: Again, I don't have any 66:18 non-privileged information to answer in response to 66:19 that question. 66:20 BY MR. KOLKER: 66:21 Q. Did Google make an effort to learn when 66:22 Sonos filed new patents?	00:00:13	Kowalski_T.19
66:25 - 67:01	Kowalski, Tim 2023-05-08	00:00:05	Kowalski_T.20

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DESIGNATION	SOURCE	DURATION	ID
	66:25 THE WITNESS: I don't have non-privileged 67:01 information responsive to that question.		Kowalski_T.20
86:23 - 86:24  T8240.1	Kowalski, Tim 2023-05-08 86:23 Q. Mr. Kowalski, can you pull up what we 86:24 marked as Deposition Exhibit Number 1?	00:00:08	Kowalski_T.24
87:04 - 87:05  T8240.1.1	Kowalski, Tim 2023-05-08 87:04 Q. Would you take a minute to review the 87:05 first page of this document.	00:00:04	Kowalski_T.25
87:07 - 87:10	Kowalski, Tim 2023-05-08 87:07 Q. Did reviewing that first page refresh your 87:08 recollection as to whether Google filed an action 87:09 for declaratory judgment of noninfringement of the 87:10 '966 patent?	00:00:12	Kowalski_T.26
87:13 - 87:15	Kowalski, Tim 2023-05-08 87:13 THE WITNESS: I see that this document 87:14 shows that Google filed a declaratory judgment 87:15 action of noninfringement of the '966 patent.	00:00:10	Kowalski_T.27
87:17 - 88:03  T8240.12	Kowalski, Tim 2023-05-08 87:17 Q. If you can go ahead and go down to 87:18 Page 12, which is the second-to-last page of the 87:19 document. 87:20 A. Yes, I think I'm there.	00:00:41	Kowalski_T.28
 T8240.12.1	87:21 Q. For the record, I'm looking at the 87:22 signature page which has a date and a signature by 87:23 Google attorneys. 87:24 Is that what you're looking at? 87:25 A. Yes. 88:01 Q. Do you see that says that this document is 88:02 dated September 28th, 2020? 88:03 A. I see that.		
88:12 - 88:14  T8240.12.2	Kowalski, Tim 2023-05-08 88:12 Q. And just to make sure we're looking at the 88:13 same document, does the case number read 88:14 3:20-cv-06754, dash, followed by two letters?	00:00:12	Kowalski_T.29
88:15 - 88:19	Kowalski, Tim 2023-05-08 88:15 A. Yes. 88:16 Q. Okay. Any reason to doubt that this 88:17 document was filed by Google on September 28th,	00:00:15	Kowalski_T.30

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DESIGNATION	SOURCE	DURATION	ID
	88:18 2020?		
	88:19 A. I don't have any reason to doubt that.		
89:08 - 89:10	Kowalski, Tim 2023-05-08	00:00:08	Kowalski_T.31
	89:08 Q. Do you have any understanding as to		
	89:09 whether this declaratory judgment action alleges		
	89:10 that Google did not infringe the '966 patent?		
89:12 - 89:14	Kowalski, Tim 2023-05-08	00:00:09	Kowalski_T.32
	89:12 THE WITNESS: I believe this document is		
	89:13 Google is seeking a declaratory judgment of		
	89:14 noninfringement of the '966 patent.		
92:02 - 92:09	Kowalski, Tim 2023-05-08	00:00:18	Kowalski_T.33
 Clear	92:02 Q. Do you know when Google formed a basis as		
	92:03 to its belief that it did not infringe the '966		
	92:04 patent?		
	92:05 MR. NARDINELLI: Object to form. And		
	92:06 also, Tim, I will instruct you not to answer that		
	92:07 question on grounds of privilege.		
	92:08 THE WITNESS: Confirming I will follow		
	92:09 counsel's advice.		
92:11 - 94:02	Kowalski, Tim 2023-05-08	00:01:55	Kowalski_T.34
	92:11 Q. Did Google form a basis as to its belief		
	92:12 that it did not infringe the '966 patent prior to		
	92:13 receiving Sonos's draft complaint or after receiving		
	92:14 Sonos's draft complaint?		
	92:15 MR. NARDINELLI: Tim, instructing you not		
	92:16 to answer that question on grounds of privilege.		
	92:17 THE WITNESS: Confirming I'm going to		
	92:18 follow counsel's advice.		
	92:19 BY MR. KOLKER:		
	92:20 Q. As a general matter, what is Google's		
	92:21 policy for filing a legal pleading?		
	92:22 MR. NARDINELLI: Instruct you not to		
	92:23 answer on grounds of privilege.		
	92:24 THE WITNESS: Confirming I'm going to		
	92:25 follow counsel's advice.		
	93:01 BY MR. KOLKER:		
	93:02 Q. For a legal pleading in general to be		
	93:03 filed on Google's behalf, does Google have a policy		
	93:04 of requiring review by Google?		

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DESIGNATION	SOURCE	DURATION	ID
	93:05 MR. NARDINELLI: Instruct you not to		
	93:06 answer on grounds of privilege.		
	93:07 THE WITNESS: Confirming I'm going to		
	93:08 follow counsel's advice.		
	93:09 BY MR. KOLKER:		
	93:10 Q. When Google reviews legal pleadings prior		
	93:11 to filing, what is the scope of Google's review?		
	93:12 MR. NARDINELLI: Instruct you not to		
	93:13 answer on basis of privilege.		
	93:14 THE WITNESS: Confirming I'm going to		
	93:15 follow counsel's advice.		
	93:16 BY MR. KOLKER:		
	93:17 Q. Do you understand that there is a Rule 11		
	93:18 obligation to certify that factual contentions have		
	93:19 evidentiary support or, if specifically so		
	93:20 identified, will likely have evidentiary support		
	93:21 after a reasonable opportunity for further		
	93:22 investigation or discovery?		
	93:23 MR. NARDINELLI: If you know the answer to		
	93:24 that, Tim, you can answer yes or no.		
	93:25 THE WITNESS: I'm generally aware of		
	94:01 Rule 11. I am not a litigator, so it doesn't come		
	94:02 up in my daily practice.		
94:04 - 95:03	Kowalski, Tim 2023-05-08	00:00:54	Kowalski_T.35
	94:04 Q. Google states in this pleading that it		
	94:05 does not infringe the '966 patent.		
	94:06 Do you know if that contention had		
	94:07 evidentiary support at the time that this was filed?		
	94:08 MR. NARDINELLI: Instruct you not to		
	94:09 answer on grounds of privilege.		
	94:10 THE WITNESS: Confirming I'm going to		
	94:11 follow counsel's advice.		
	94:12 BY MR. KOLKER:		
	94:13 Q. Prior to filing this declaratory judgment		
	94:14 complaint, did Google have an opportunity to confirm		
	94:15 its contention that it did not have -- the '966		
	94:16 patent had evidentiary support?		
	94:17 MR. NARDINELLI: Instruct you not to		
	94:18 answer on grounds of privilege.		
	94:19 THE WITNESS: Confirming I'm going to		

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DESIGNATION	SOURCE	DURATION	ID
	94:20 follow counsel's advice.		
	94:21 BY MR. KOLKER:		
	94:22 Q. As a general matter, would Google file a		
	94:23 pleading with the court if it did not believe the		
	94:24 statements were true?		
	94:25 MR. NARDINELLI: Instruction not to answer		
	95:01 on grounds of privilege. Also object to form.		
	95:02 THE WITNESS: Confirming I'm going to		
	95:03 follow counsel's advice.		
95:05 - 95:21	Kowalski, Tim 2023-05-08	00:00:51	Kowalski_T.36
	95:05 Q. Would Google have filed this declaratory		
	95:06 judgment action if it did not believe the statements		
	95:07 that it did not infringe the '966 patent were true?		
	95:08 MR. NARDINELLI: Objection, calls for		
	95:09 speculation. I'll also instruct you, Tim, not to		
	95:10 answer on grounds of privilege.		
	95:11 THE WITNESS: Confirming I'm going to		
	95:12 follow counsel's advice.		
	95:13 BY MR. KOLKER:		
	95:14 Q. Would Google have filed this declaratory		
	95:15 judgment action if it did not have a sufficient		
	95:16 basis to believe the statements that it did not		
	95:17 infringe the '966 patent were true?		
	95:18 MR. NARDINELLI: Object to form. Instruct		
	95:19 you not to answer on grounds of privilege.		
	95:20 THE WITNESS: Confirming I'm going to		
	95:21 follow counsel's advice.		

Sonos Affirmatives	00:10:58
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TOTAL RUN TIME	00:10:58
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Documents linked to video:

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